

PLANNING COMMISSION MINUTES

July 12, 2000

CALL TO ORDER:

Chairman Dan Maks called the meeting to order at 7:01 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Dan Maks, Planning Commissioners Bob Barnard, Betty Bode, Chuck Heckman and Vlad Voytilla. Commissioners Dunham and Johansen were excused.

Associate Planner Colin Cooper, AICP, Associate Planner Tyler Ryerson, Transportation Planner Sean Morrison, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATIONS:

Associate Planner Colin Cooper introduced Planning Technician Michael Liefeld, observing that he will be present at the next meeting regarding an appeal on a Home Occupation Permit.

OLD BUSINESS:

PUBLIC HEARING:

Chairman Maks opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1 **CONTINUANCES:**

2
3 **A. CUP 99-00032 – HOME DEPOT CONDITIONAL USE PERMIT**

4 The applicant requests approval of a Conditional Use Permit (CUP) to exceed the
5 15,000 square foot retail building limitation of the CI zone for an approximately
6 109,300 square foot commercial building and a 14,700 square foot garden center
7 on approximately 7.23 acres of land located at 5150 SW Western Avenue. The
8 development proposal is located on Assessor's Map 1S1-14CB, Tax Lots 1000
9 and 1100, and is zoned Campus Industrial (CI) within a Development Control
10 Area (DCA) overlay district.

11
12 Associate Planner Colin Cooper observed that the applicant had requested a
13 continuance for an indefinite period of time.

14
15 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a
16 motion that CUP 99-00032 – Home Depot Conditional Use Permit be continued
17 to a date uncertain.

18
19 Motion **CARRIED** unanimously.

20
21 **NEW BUSINESS:**

22
23 **A. CUP 2000-0014 – GRAMOR CONDITIONAL USE PERMIT CONDITIONS**
24 **OF APPROVAL MODIFICATIONS**

25 The applicant requests approval of a Conditional Use Permit to modify the
26 original conditions of approval of application CUP 99-00003 pertaining to
27 revisions to access design for an approved multiple-use commercial center along
28 the north side of SW Scholls Ferry Road and the west side of SW Murray
29 Boulevard. The development proposal is located on Assessor's Map 1S1-32DA,
30 Tax Lots 100, 500, 700 and 800; and on Assessor's Map 1S1-32AD, Tax Lots
31 800 and 900. The development area is zoned Town Center-Sub Regional (TC-
32 SR), Light Industrial (LI) and Urban Standard Density (R-5).

33
34 Mr. Cooper presented the Staff Report, introduced Transportation Planner Sean
35 Morrison and described the modifications of three original Conditions of
36 Approval requested by the applicant, observing that these modifications meet
37 County standards.

38
39 Commissioner Heckman referred the westbound traffic on Scholls Ferry Road,
40 specifically the right turn on to Murray Boulevard, requesting clarification of
41 what is being requested at that location.

42
43 Mr. Morrison described the request, observing that it essentially channelizes the
44 left turn lane – the eastbound traffic on Scholls Ferry Road, heading north on
45 Murray Boulevard. He observed that the intent is to prevent vehicles from
46 drifting into the lane reserved for vehicles on Murray Boulevard from the east.

1 Mr. Cooper clarified the attempt to separate the two turning movements until such
2 time that both turning movements have been completed.

3
4 Commissioner Heckman discussed the dangerous situation that currently exists,
5 observing that he has witnessed several near accidents at this location.

6
7 Chairman Maks requested clarification of the situation.

8
9 Mr. Cooper stated that the traffic is being channelized, with an additional
10 condition.

11
12 Chairman Maks pointed out that two lanes go straight, while one lane turns right.

13
14 Mr. Cooper advised Chairman Maks that this is correct.

15
16 Chairman Maks questioned which lanes would be channelized.

17
18 Mr. Morrison observed that the right turn would remain the same, adding that the
19 County has conditioned for the construction of a raised extension of the median
20 for the purpose of creating a safer movement, until a future time when the entire
21 intersection is redesigned.

22
23 Chairman Maks pointed out that an individual turning right off of Scholls Ferry
24 Road onto Murray Boulevard would need to make their decision earlier.

25
26 Mr. Morrison emphasized that this will remain the same, adding that this will
27 ensure that the eastbound traffic turning left will stay over within their lane.

28
29 Chairman Maks pointed out that he loves pictures, observing that they provide
30 greater clarification of a situation.

31
32 Commissioner Heckman suggested creating an overlay illustration, allowing for a
33 clearer understanding of what is involved.

34
35 Commissioner Barnard referred to northbound Murray Boulevard on the south
36 side of Scholls Ferry Road, specifically the proposed expanded island. Observing
37 that this is a double lane, he questioned at which point the lanes would merge into
38 one lane to continue through the intersection.

39
40 Mr. Morrison observed that this particular lane does not extend very far, creating
41 little traffic, and referred this issue to the applicant.

42
43 Commissioner Heckman referred to an illustration indicating that the island will
44 be enlarged, expressing his opinion that this should be extended another fifty feet
45 to the north.

46

1 **APPLICANT:**

2
3 **MATT GRADY**, 19767 SW 72nd Avenue, Suite 100, Tualatin, OR 97062,
4 Project Manager for Gramor Development, discussed the application, which he
5 described as basically a housekeeping issue. He introduced Carl Springer,
6 representing DKS Associates, observing that he could explain the traffic flow
7 through the intersection. On question, he informed Chairman Maks that while he
8 misses the staff at the City of Beaverton, he enjoys his work at Gramor
9 Development. He observed that the gas station is scheduled to be completed in
10 October 2000.

11
12 Commissioner Heckman referred to Exhibit "J", 1.b.3., expressing his concern
13 with the comment that upon approval by Washington County, a right-out
14 movement may be permitted.

15
16 Mr. Grady informed Commissioner Heckman that his observation is correct,
17 noting that staff had recommended that the applicant attempt to draft the modified
18 conditions.

19
20 Commissioner Heckman questioned whether Mr. Grady intends to file by petition
21 or by the fee.

22
23 Mr. Grady advised Commissioner Heckman that he does not intend to file.

24
25 Commissioner Barnard discussed traveling through Murray Boulevard on the
26 south side of the intersection, questioning whether any action is being taken to
27 install right-turn only arrows.

28
29 Mr. Grady referred this question to **CARL SPRINGER**, 1400 SW Fifth Avenue,
30 Suite 500, Portland, OR 97201, advised Commissioner Barnard that the outside
31 lane will be designated for right turns only.

32
33 **PUBLIC TESTIMONY:**

34
35 On question, no member of the public appeared to testify at this time.

36
37 Mr. Cooper observed that he had received no contact or comments from the
38 public regarding this application.

39
40 On question, Assistant City Attorney Ted Naemura indicated that he has no
41 comments or questions at this time.

42
43 The public portion of the public hearing was closed.
44

1 Observing that he would appreciate the Transportation Manager working with
2 Washington County regarding extending that island another fifty feet north,
3 Commissioner Heckman expressed his approval of the application.

4
5 Commissioner Voytilla expressed his support of the application and his
6 appreciation to the applicant for his efforts.

7
8 Commissioner Bode expressed her support of the application.

9
10 Commissioner Barnard expressed his support of the application.

11
12 Chairman Maks expressed his support of the application, commenting that he
13 actually likes the design of the right turn.

14
15 Commissioner Bode **MOVED** and Commissioner Heckman **SECONDED** a
16 motion to approve CUP 2000-0014 – Gramor Conditional Use Permit Conditions
17 of Approval Modifications, based upon the testimony, reports and exhibits
18 presented during the public hearing on the matter and upon the background facts,
19 findings and conclusions found in the Staff Report dated July 12, 2000, including
20 Conditions of Approval Nos. 1 through 3.

21
22 Motion **CARRIED**, unanimously.

23
24 7:24 p.m. – Mr. Cooper left.

25
26 **B. CUP 2000-0015 – IHOP RESTAURANT OFF SW REGATTA LANE**
27 **CONDITIONAL USE PERMIT**

28 The applicant requests approval of a Conditional Use Permit to allow a restaurant
29 to be located off SW Regatta Lane near the southwest corner of SW Walker Road
30 and SW 158th Street. The development proposal is located on Assessor's Map
31 1S1-05BA, on Tax Lot 1300 and is zoned Office Commercial (OC).

32
33 Commissioner Voytilla disclosed that in the past he had been on opposing sides of
34 an issue with the applicant's counsel.

35
36 On question, Associate Planner Tyler Ryerson indicated that no film of the site is
37 available.

38
39 Commissioner Heckman indicated that he had not visited the site.

40
41 Commissioner Bode indicated that while she has visited the site, her visit was not
42 in connection with this application.

43
44 Commissioner Voytilla indicated that he had visited the site.

45
46 Commissioner Barnard indicated that he had not visited the site.

1 Chairman Maks indicated that he had not visited the site, although he has been
2 reviewing applications and this site since 1994.

3

4 Mr. Ryerson presented the Staff Report and described the application as a 4,020
5 square foot, 130 seat dine-in restaurant seeking Conditional Use Permit approval
6 in an Office Commercial zone. He described the site for the proposed restaurant,
7 which is located between McDonald's Restaurant and Jack in the Box Restaurant,
8 as well as having automobile and pedestrian access to the site, and recommended
9 approval of the application.

10

11 Commissioner Heckman referred to the last hearing regarding another restaurant
12 in this area, specifically his suggestion that staff consider an informational sign
13 directing westbound traffic to the light at Schendel Avenue.

14

15 Mr. Ryerson advised Commissioner Heckman that the recommendation had
16 directed the Traffic Engineer to study the parking situation on Regatta Lane,
17 adding that while the signage has not been specifically addressed, there has been a
18 study regarding the parking on Regatta Lane.

19

20 Commissioner Heckman referred to the "intended service area", specifically the
21 definition of the phrase "one to two miles".

22

23 Mr. Ryerson deferred this question to the applicant.

24

25 Commissioner Heckman expressed his opinion that an open-ended statement such
26 as this should be defined. He referred to page 14, Criterion (3), specifically
27 reference to "functional characteristics".

28

29 Mr. Ryerson defined "functional characteristics" as how a particular use would
30 function within the site and the parcels immediately surrounding the site, as well
31 as ingress and access to the site.

32

33 Commissioner Heckman questioned whether "functional characteristics" would
34 include any impact that has any bearing upon that immediate area.

35

36 Mr. Ryerson suggested that this proposal would provide the functional
37 characteristic of that restaurant in relationship to the surrounding developments.

38

39 Commissioner Heckman referred to the phrase a "minimum impact on the
40 livability and appropriate development of other properties in the surrounding
41 neighborhood", and questioned the major impact created by this particular
42 application.

43

44 Mr. Ryerson expressed his opinion that the major impact could include the
45 definition of office commercial space versus residential or other types of uses that
46 may be allowed in that particular zone. He pointed out that the restaurant is an

1 allowed use, through approval of a Conditional Use Permit, and discussed
2 a.m./p.m. traffic counts.

3
4 Commissioner Heckman mentioned to a reference to 40 required parking spaces,
5 observing that the report indicates 50 and that he had personally counted 46.

6
7 Mr. Ryerson indicated that 50 is the correct count, adding that he intends to
8 review this issue for clarification.

9
10 Commissioner Bode referred to IHOP's intended 24-hour service, pointing out
11 that the other restaurants in the area do not operate these hours.

12
13 Mr. Ryerson stated that while he is not certain of the hours for the other
14 restaurants, adding that Jack in the Box had indicated the intent of 24-hour
15 operation and that the office commercial zone does not address this issue.

16
17 Chairman Maks clarified that 24-hour operation is permitted in this zone.

18
19 Mr. Ryerson confirmed that the office commercial zone allows 24-hour operation.

20
21 Commissioner Bode questioned whether the adjacent neighbors are aware that 24-
22 hour operations are allowed within this zone.

23
24 Mr. Ryerson stated that while he is not certain whether the residents are aware
25 that 24-hour operations are permitted within this zone, he has not personally
26 received any questions regarding this situation. He mentioned that most of the
27 surrounding development is commercial or industrial and that the multi-family
28 development is located beyond the small park and that these residents may not
29 have received notification because notification goes to land owners and the multi-
30 family units are apartments. On question, he advised Commissioner Bode that he
31 is not certain whether all IHOPs have 24-hour operations.

32
33 Chairman Maks advised Commissioner Bode that while this is a good question, it
34 is a topic for discussion for Comprehensive Plan and zone changes, rather than
35 this public hearing.

36
37 Commissioner Bode indicated that she would like to discuss this issue at some
38 future point.

39
40 On question, Commissioners Voytilla and Barnard indicated that they have no
41 questions for staff at this time.

42
43 Chairman Maks questioned whether staff had contacted property owners
44 regarding parking restrictions on Regatta Lane.

45

1 Mr. Morrison indicated that the property owners at that location had been polled,
2 adding that they had submitted adequate, but varying, responses regarding
3 whether they would support or oppose parking restrictions on the south side of
4 Regatta Lane from Best Teriyaki to the radius of the cul de sac.

5
6 Chairman Maks requested that Transportation Engineer Randy Wooley be
7 informed of his intent to bring up at Code Review some method to address the
8 queuing for take-out at fast food restaurants. He mentioned that he had counted
9 23 vehicles at the drive-up window at the McDonald's Restaurant on Scholls
10 Ferry Road in Tigard, adding that these vehicles had actually blocked an entire
11 lane, closed off the road and prevented access to several businesses.

12
13 Mr. Morrison commented that language does exist within the code addressing this
14 same situation regarding internal queuing at another location.

15
16 Chairman Maks mentioned that he had actually drafted and submitted a letter to a
17 former employee who is now employed by the City of Tigard regarding the
18 dangerous situation at the McDonald's Restaurant on Scholls Ferry Road.

19
20 **APPLICANT:**

21
22 **JEFF KLEINMAN**, 1207 SW Sixth Avenue, Portland, OR 97204, representing
23 IHOP Restaurant, introduced other representatives of the applicant, including
24 Kevin Kline, Greg Winterowd, Dan Campbell and Ed Keegan. He referred to a
25 comment by Commissioner Heckman, emphasizing that as a sit-down family
26 restaurant, IHOP is not a competitor of the drive-through fast food restaurants,
27 such as McDonalds or Jack in the Box. He described efforts to provide a
28 necessary service to the area, adding that the intent is to serve the surrounding
29 office, commercial and residential areas.

30
31 **KEVIN KLINE**, 2277 Watt Avenue, Sacramento, CA 95825, representing
32 RMB Architects, architectural representatives for IHOP, complimented the City
33 staff for their efforts and assistance in the completion of this application. He
34 displayed several illustrations indicating the appearance of the proposed
35 restaurant. He referred to concern with the 24-hour operation, which is at the
36 discretion of this particular franchisee, observing that the neighborhood had been
37 notified and had expressed no opposition.

38
39 **GREG WINTEROWD**, 310 SW Fourth Avenue, Suite 1000, Portland, OR
40 97204, commented that he is available to respond to any questions.

41
42 Commissioner Voytilla referred to the issue of parking and circulation,
43 specifically prohibiting parking of patrons from other facilities on IHOP's lot.

44
45 Mr. Kleinman advised Commissioner Voytilla that patrons from other facilities
46 could not actually be prevented from parking in IHOP's parking lot, expressing

1 his opinion that different peak hours for the separate facilities should eliminate
2 any conflict. He mentioned an agreement to create mutual access for all facilities.

3
4 Chairman Maks requested clarification of whether the differing peak hours would
5 actually result in an amicable shared parking situation.

6
7 Mr. Kleinman advised Chairman Maks that this shared parking situation is likely.

8
9 On question, Mr. Kleinman informed Commissioner Voytilla that the applicant
10 has no intention at this time of making any changes to their service format.

11
12 Commissioner Heckman referred to a letter from Washington County dated May
13 31, 2000, regarding striping, observing that the report from Facilities Review does
14 not indicate that this had been discussed.

15
16 Mr. Kleinman advised Commissioner Heckman that this particular letter had been
17 superceded by a memorandum, dated June 14, 2000, which acknowledged that the
18 striping had been completed.

19
20 Commissioner Heckman noted that he had not noticed this memorandum within
21 his packet.

22
23 Mr. Kleinman indicated the correct location of the memorandum dated June 14,
24 2000, within the packet, observing that some of the documents had been mixed up
25 within the packet.

26
27 On question, Mr. Kleinman confirmed that IHOP primarily serves breakfast

28
29 Commissioner Heckman questioned Mr. Kleinman's personal knowledge of the
30 breakfast trade situation for McDonald's Restaurant.

31
32 Mr. Kleinman advised Commissioner Heckman that he is unable to respond
33 specifically to questions pertaining to McDonald's Restaurant, adding that no
34 particular problem has been anticipated with traffic generation at that intersection
35 during the morning hours. He expressed his opinion that this indicates that
36 breakfast at McDonald's Restaurant is not a high traffic generator.

37
38 Commissioner Heckman referred to noontime traffic problems at a McDonald's
39 Restaurant in Tigard, adding that this particular restaurant also generates a
40 substantial amount of breakfast traffic.

41
42 Mr. Kleinman advised Commissioner Heckman that he does not have information
43 regarding this situation.

44
45 Commissioner Heckman referred to the parking situation, and questioned what
46 Mr. Kleinman would consider the peak hour for IHOP.

1 Mr. Kleinman advised Commissioner Heckman that IHOP's typical peak business
2 hour is between the hours of 6 a.m. to 11 a.m.

3
4 Commissioner Heckman questioned whether the 50 parking places would be
5 sufficient for a seating capacity of 130 customers, and requested clarification of
6 the comment that sixty customers would be present during peak hour.

7
8 **DANIEL CAMPBELL**, 401 Palm Drive, Glendale, CA 91203, West Coast
9 Division Manager for IHOP Corporation, informed Commissioner Heckman that
10 a good peak hour trade would be operating at a maximum capacity of 75 to 80
11 customers.

12
13 Commissioner Heckman calculated that approximately 100 customers with two
14 customers per car would generate 50 cars, expressing his opinion that more than
15 four servers would be necessary at this time.

16
17 Mr. Campbells estimated that the restaurant would require approximately seven or
18 eight waitresses and/or waiters during peak hour.

19
20 Commissioner Heckman suggested that the addition of a cashier and kitchen staff
21 would create a total staff of approximately 18 at this time.

22
23 Mr. Campbell advised Commissioner Heckman that he is not certain that his
24 premise of two individuals per car is totally accurate, observing that generally
25 families consisting of at least three individuals go to breakfast on weekends. He
26 pointed out that IHOP generally serves construction crews during the week days,
27 adding that generally two or three individuals arrive in a crew truck, which is a
28 different situation than the fast food restaurant's pattern of one person in, one
29 person out.

30
31 Commissioner Heckman questioned the number of necessary parking spaces
32 during the peak hour serving 100 patrons.

33
34 Mr. Campbell indicated that this is clarified within the site plan, pointing out that
35 IHOP does not even consider a site that can not accommodate at least 45 to 50
36 parking spaces, which meets their needs nationwide.

37
38 Commissioner Heckman questioned whether Mr. Campbell anticipates any
39 problems created by any spillover parking that may be generated by any of the
40 nearby restaurants.

41
42 Mr. Campbell advised Commissioner Heckman that a problem is not anticipated,
43 expressing his opinion that IHOP actually compliments Jack in the Box
44 Restaurant and that both of their needs will be met quite well.

45
46 Commissioner Heckman referred to the intended service area of one to two miles.

1 Mr. Campbell informed Commissioner Heckman that IHOP draws primarily from
2 immediate area, generally a radius of 1-1/2 to 2 miles, adding that typically the
3 franchise laws indicate as the crow flies.

4
5 Mr. Kline advised Commissioner Heckman that for the purpose of convenience in
6 industry, the analysis is made on sector basis, specifying the neighborhoods
7 within the vicinity.

8
9 On question, Mr. Campbell informed Commissioner Heckman that he has no
10 special concerns with adequate parking for 100 patrons and the restaurant staff.

11
12 Mr. Kline pointed out that bicycle parking is also provided.

13
14 Mr. Campbell mentioned that in their attempts to encourage carpooling, the City
15 of Albuquerque had attempted to limit parking.

16
17 Chairman Maks expressed his opinion that this type of restaurant could be a
18 tremendous pedestrian attraction in this area, pointing out that it is near the
19 Tualatin Hills Parks & Recreation facility and a great deal of office commercial
20 establishments. He requested identification of the pedestrian accesses to the site.

21
22 Mr. Kline described the pedestrian accesses to the site, specifically a pedestrian
23 plaza with benches, which complies with ADA regulations and meets the existing
24 sidewalk on SW Walker Road. He also mentioned a crosshead sidewalk that
25 travels diagonally out toward Regatta Lane and continues down to join the public
26 sidewalk.

27
28 Chairman Maks questioned the possibility of creating a more pedestrian-friendly
29 access.

30
31 Mr. Kline clarified that the sidewalk travels diagonally in an effort to reduce the
32 slope, to comply with ADA regulations.

33
34 Chairman Maks emphasized that he knows where the pedestrians will be coming
35 from and he would like to facilitate that movement as much as possible.

36
37 Mr. Kline stated that as long as there is an ADA accessible sloped sidewalk
38 available, the applicant could also provide the steps.

39
40 Observing that they would get more bang for their buck, Chairman Maks
41 expressed his opinion that the applicant should consider the tremendous potential
42 for pedestrian traffic from the THPRD events and plan accordingly.

43
44 Mr. Kline observed that the applicant is interested in the possibility of introducing
45 additional pedestrian access points.

46

1 Chairman Maks expressed concern with skateboarders on the stairs.

2
3 Mr. Kline observed that skateboarders would inevitably end up on the ramps.

4
5 Chairman Maks emphasized the potential for pedestrian traffic.

6
7 Mr. Kline pointed out that with no drop-off point on SW Walker Road, vehicles
8 could not stop and drop off passengers to run up the stairs.

9
10 Chairman Maks observed that this issue could be handled with landscaping on the
11 shoulder of the road.

12
13 Mr. Kline mentioned that the site has no bus stop, no pullout and no pedestrian
14 drop zone, adding that these factors will ultimately determine the final location of
15 the sidewalk.

16
17 Chairman Maks expressed his opinion that pedestrian access has not been
18 adequately promoted in the process of approving applications.

19
20 Mr. Kline observed that pedestrian traffic is insignificant in many locations,
21 resulting in a tendency not to consider it.

22
23 Chairman Maks emphasized the necessity of considering what is already available
24 in the area.

25
26 Commissioner Barnard expressed concern with changing the direction of the
27 slope of the sidewalk, pointing out that pedestrian access should be available from
28 both directions.

29
30 Mr. Kline pointed out that cost is not the issue, adding that landscaping and
31 sidewalk cost about the same and that the decision will be based upon traffic flow.

32
33 **PUBLIC TESTIMONY:**

34
35 **GEORGE KYLER**, 3531 NW 163rd Court, Beaverton, OR 97006. Representing
36 McDonald's Restaurant, observed that he likes and patronizes IHOP. He
37 expressed concern with this conditional use on a dead end street where the City of
38 Beaverton is already discussing signage at the intersection for westbound traffic,
39 creating an inconvenience for some drivers. He expressed his agreement that a
40 sit-down restaurant is not the same as a fast food drive-through restaurant,
41 although he still has some concerns with traffic. He pointed out that this
42 particular McDonald's Restaurant is actually 4,386 square feet, rather than 3,000
43 square feet, as suggested in the traffic report. He mentioned a suggested 15%
44 reduction for internal trips – vehicles that may patronize more than one land use
45 or facility while in the area, and another 2% reduction due to transit service. He
46 emphasized that this application is for a business, not a "breakfast place", adding

1 that business plans and menus change. McDonald's did not start out serving
2 breakfast, and now 25% of their trade is breakfast. He stated that he does not
3 agree with the concept of shared parking, expressing his opinion that a large strip
4 will be created along the frontage of the entire area. He urged the Planning
5 Commission to be aware of changes, adding that there will be no reduction in
6 parking and no shared uses.

7
8 Commissioner Heckman referred to the Lancaster Engineering letter dated April
9 12, 2000, specifically page 6, pointing out that this letter states that with the Jack
10 in the Box and the proposed IHOP, the area might actually be improved.

11
12 Mr. Kyler mentioned that he had also highlighted this information, pointing out
13 that the same customer will make different decisions at different times to go either
14 to a drive-through restaurant or to a sit-down restaurant. He mentioned that both
15 time and money are a factor in this decision. On question, he informed
16 Commissioner Heckman that a 25% breakfast trade is within the typical range for
17 all McDonald's Restaurants.

18
19 Commissioner Heckman pointed out that he is only familiar with the McDonald's
20 Restaurant on Scholls Ferry Road, requesting clarification of whether this
21 particular location creates a larger than average volume.

22
23 Mr. Kyler indicated that he could obtain this information, expressing his opinion
24 that while this location may generate greater volume, the breakfast trade more
25 than likely still falls within the 25% trade range.

26
27 Commissioner Heckman expressed his opinion that this information should have
28 been provided for comparison purposes at this Public Hearing.

29
30 Chairman Maks expressed his appreciation to Mr. Kyler, observing that while
31 going to McDonald's Restaurant is usually a spontaneous decision, this particular
32 McDonald's Restaurant is actually a destination and that he personally drives
33 there.

34
35 **KIM GEISLER**, 170 NW 152nd Avenue, Beaverton, OR 97006, expressed her
36 opposition to this proposal, observing that she is particularly concerned with the
37 diversity of restaurants in this area. She pointed out that Shari's Restaurant,
38 which is comparable to IHOP, is located nearby, and expressed concern with the
39 lack of local restaurants in the area. She expressed her concern that the series of
40 chains don't promote a sense of strong community, adding that while she would
41 approve of a new restaurant, she prefers that it be locally owned. On question,
42 she informed Chairman Maks that her home is located right behind the THPRD
43 Recreation Center, adding that she can drive to the Shari's Restaurant at
44 Tanasbourne in approximately ten minutes and the Shari's Restaurant on Murray
45 Boulevard in approximately five minutes.

1 Chairman Maks advised Ms. Geisler that while he appreciates her comments
2 regarding locally owned restaurants, she should be aware that many of the large
3 franchises sponsor many of the local grants and bond members. He added that
4 although they are chains, many are actually owned by local business people who
5 also reinforce the community attitude and spirit with which she is concerned.

6
7 Commissioner Bode observed that while she appreciates this public input, no
8 local restaurant has come forward and made an application or request to locate at
9 this particular site.

10
11 **APPLICANT REBUTTAL:**

12
13 Mr. Kleinman stated that although the applicant is happy to respond to any
14 questions, they have no rebuttal or comments at this particular time.

15
16 Mr. Morrison referred to parking restrictions, observing that responses had been
17 received from four of the six property owners on the cul de sac on Regatta Lane.
18 He added that responses had not been received from a vacant property and
19 McDonald's Restaurant. He stated that for every traffic impact analysis, he does
20 review the assumptions expressed by the applicant. He pointed out that stopping
21 for take-out food and picking up a movie is a reasonable assumption, adding that
22 picking up a child at an educational or recreational event and then stopping at
23 McDonald's Restaurant is most likely also a common occurrence. He stated that
24 some pass-by trips will no doubt occur, however when reviewing the Lancaster
25 Traffic Analysis, he reviewed the overall trip generation to make certain that these
26 conservative trip generation numbers still did not exceed the original assumptions.

27
28 Mr. Naemura requested that the recorder receive copies of the applicant's handout
29 for the record.

30
31 The public portion of the Public Hearing was closed.

32
33 Commissioner Barnard expressed his support of the application.

34
35 Expressing his opinion that the not all of the criteria had been satisfied,
36 Commissioner Heckman expressed his opposition to the application.

37
38 Commissioner Voytilla expressed his support of the application, urging
39 consideration of a more direct pedestrian access to Walker Road and expressing
40 concern with parking.

41
42 Commissioner Bode commented that Chairman Maks is probably curious to hear
43 what she has to say. Agreeing that he has no clue what she will say, Chairman
44 Maks assured her that he does care.

45

Commissioner Bode stated that she supports the application, adding that a lot of business is conducted at a restaurant table and that this application does compliment the business section developed in the area. She expressed approval of any effort to bring families together to eat, adding that with the recreation area in close proximity, IHOP actually promotes family activity. She observed that she finds it interesting that marketing refers to a 1-1/2 to 2-mile radius, adding that as the first IHOP in the area, it will serve a far broader range than two miles. She mentioned that IHOP's television advertisements do not indicate that they serve only those living within two miles.

Maks referred to land use laws and reducing vehicular trips, shares Heckman's concerns, in support.

Commissioner Voytilla **MOVED** and Commissioner Barnard **SECONDED** a motion to approve CUP 2000-0015 – IHOP Restaurant off SW Regatta Lane Conditional Use Permit based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated July 12, 2000, including Conditions of Approval Nos. 1 through 5, and additional Condition of Approval No. 6, as follows:

6. The Board of Design Review is recommended to request the applicant to provide a pedestrian access that is more direct from their plaza to the sidewalk on Walker Road.

Commissioner Heckman stated that while he agrees this will be a nice restaurant, he does not want to be associated with and does not support this application.

Chairman Maks expressed his appreciation to Commissioner Heckman, adding that while he respects his opinion, he is still in support of this application.

Motion **CARRIED**, by the following roll call vote:

Ayes: Barnard	Nays: Heckman
Bode	
Voytilla	
Maks	

8:46 p.m. – 9:04 p.m. – break.

**C. CUP 2000-0008 – FOUNTAINCOURT CONDITIONAL USE PERMIT/
PLANNED UNIT DEVELOPMENT**

The applicant requests approval of a Conditional Use Permit/Planned Unit Development for a 97-unit multi-family subdivision, including proposed multi-family units, sidewalks, streets, common open space and associated landscaping at a location west of SW Springbrook Avenue on SW Barrows Road. The

1 development proposal is located on property identified by Washington County
2 Assessor's Map 1S1-33CC, Tax Lots 100, which is zoned Town Center – High
3 Density Residential (TC-HDR) and 200, which is zoned Town Center – Medium
4 Density Residential (TC-MDR).

5
6 On question, Commissioners Bode, Heckman and Voytilla indicated that they had
7 visited the site.

8
9 Mr. Ryerson presented the Staff Report and described the proposed land use
10 development and the location for this 97-unit multi-family development. He
11 discussed the water detention pond, which straddles Tax Lot 100 and is owned by
12 Washington County, as well as future plans for Murray Boulevard extension. He
13 mentioned that Springbrook Lane would extend from the Tigard side of SW
14 Barrows Road through the development all the way to the future Murray
15 Boulevard. He observed that he had received one letter from the Homeowner's
16 Association of Scholls Creek Condominiums, pointing out that since the receipt of
17 this letter and the subsequent neighborhood meeting, the applicant has revised
18 their application to include Springbrook Lane entirely on their own property and
19 not in conjunction with the access that has already been provided to Murray
20 Boulevard by Scholls Creek Condominiums. He mentioned that staff does not
21 feel that a requested temporary barricade until Murray Road is developed is
22 necessary since this is a secondary emergency access to both Fountaincourt and
23 Scholls Creek Condominiums. He pointed out that Scholls Creek Condominiums
24 have already provided a pathway connection to the southerly edge of the
25 Fountaincourt property, approximately 315 feet west of Barrows Road, adding
26 that staff recommends the requirement of a pathway connection from one of the
27 proposed private alleyways in the Fountaincourt proposal to the existing stub path
28 at Scholls Creek Condominiums. He mentioned that the application also proposes
29 a 38 foot height where zoning requires a maximum of 35 feet without a
30 Conditional Use Permit, adding that staff recommends approval of the
31 application, subject to the Conditions of Approval in the Staff Report.

32
33 Chairman Maks questioned the situation with the street connection.

34
35 Mr. Ryerson explained that initially, a scenario had been attempted that had not
36 worked out for the proposed Springbrook Lane, adding that the revised SW
37 Springbrook Lane provides for a "friendlier" curve to Murray Boulevard.

38
39 Chairman Maks emphasized that the key is vehicular access from Scholls Ferry
40 Road to Springbrook Lane.

41
42 Mr. Ryerson assured Chairman Maks that this access would be available.

43
44 Commissioner Barnard requested clarification of whether the illustrations are pre-
45 change or post-change.

46

1 Mr. Ryerson clarified that these are post-change drawings.

2

3 Commissioner Barnard questioned the situation with the Homeowner's
4 Association.

5

6 Mr. Ryerson advised Commissioner Barnard that the residents had requested
7 some sort of a barricade, expressing his opinion that it is not necessary.

8

9 Commissioner Voytilla referred to the connectivity concept, specifically how
10 many access points are available.

11

12 Mr. Ryerson advised Commissioner Voytilla that one access point is available,
13 with an emergency access on the south end.

14

15 Commissioner Voytilla questioned whether this has been considered relative to
16 coming out on Springbrook Lane to go to the future extension to Murray
17 Boulevard, specifically whether sufficient stacking room is available.

18

19 Mr. Ryerson deferred this question to Mr. Morrison.

20

21 Commissioner Voytilla discussed the characteristics of this area and expressed
22 concern that Springbrook Lane may become a thoroughfare.

23

24 Mr. Morrison described the existing area to the east as being a fairly well
25 established neighborhood, adding that there has been a dedication for the Davies
26 extension that will create some environmental impact. He pointed out that the
27 Functional Classification Plan in this area should provide adequate arterial and
28 collector routes to prevent Springbrook Lane from becoming a shortcut.

29

30 Chairman Maks expressed concern with this potential cut-through shortcut,
31 requesting information regarding corrective street design or curb extensions. He
32 mentioned that he would like to take this action now to avoid installing speed
33 bumps at a later time.

34

35 Mr. Morrison mentioned that the design of Fountaincourt has taken these features
36 into consideration, adding that they are not proposing traffic calming in the nature
37 of speed bumps or curb extensions. He stated that this would have the appearance
38 and feel of a local street.

39

40 Chairman Maks observed that design features and width could help to promote
41 slower speeds.

42

43 Mr. Morrison commented that staff does not necessarily view this as an attractive
44 cut through route.

45

1 Observing that he is going to let it go at this time, Chairman Maks pointed out
2 that he does not necessarily agree with staff.

3
4 Commissioner Heckman referred to page 12 of the Staff Report, specifically the
5 definition of a "large cedar tree".
6

7 Mr. Ryerson advised Commissioner Heckman that the cedars proposed at the time
8 of planting would be six feet in height, adding that this includes Hogan Cedars,
9 Dora Cedars, Giant Sequoia, Grand Fir, Wax Myrtle and Alder Maple.

10
11 Commissioner Heckman referred to page 14 of the Staff Report, specifically Facts
12 & Findings No. 5 relating to maintenance.
13

14 Mr. Ryerson clarified that the City of Beaverton utilizes two different forms of
15 bonds: 1) Site Development Performance Bonds; and 2) Landscape Development
16 Performance Bond. He explained the elements of this maintenance bond, noting
17 that the Planning Commission may determine any special future needs that
18 require attention.
19

20 Commissioner Heckman mentioned that typically a Performance Bond provides
21 for the performance of the contractor.
22

23 Mr. Ryerson stated that he is not certain.
24

25 Commissioner Heckman noted that the document refers to construction and
26 maintenance both.
27

28 Mr. Ryerson expressed his opinion that maintenance is included incorrectly.
29

30 Commissioner Heckman referred to page 36 of the Staff Report, specifically
31 Condition of Approval No. 4, providing that the Facilities Review Committee
32 Recommended Conditions of Approval dated June 21, 2000 are hereby made a
33 part of this approval.
34

35 Observing that Facilities Review has imposed no conditions, Mr. Ryerson stated
36 that Condition of Approval No. 4 could be eliminated.
37

38 Expressing his opinion that this condition was excessive, Commissioner Heckman
39 requested clarification of the terms condominium and townhouse.
40

41 Mr. Ryerson clarified that townhouse would include individual lots, except for
42 basically two end units on each of the private drives, which would be
43 condominiums. He further explained that ownership of condominiums would be
44 interior wall-to-wall, while townhouse includes the individual lot beneath the
45 home.
46

1 Commissioner Heckman questioned the necessity of creating a Condominium
2 Association.

3
4 Mr. Ryerson observed that he is not certain how this works, adding that the
5 applicant should be able to clarify this.

6
7 Commissioner Heckman pointed out that a Homeowner's Association and a
8 Condominium Association are generally two entirely different entities.

9
10 Commissioner Voytilla commented that ownership is the air space, adding that
11 while a condominium is a type of ownership, it does not actually fit the definition
12 of multi-family.

13
14 Mr. Ryerson stated that the applicant is providing for home ownership on
15 individual lots, as well as some unique design at the ends of those private alleys.

16
17 Commissioner Voytilla questioned who would own and maintain the pathway.

18
19 Mr. Ryerson advised Commissioner Voytilla that maintenance of individual
20 walkways would be the responsibility of the Homeowner's Association.

21
22 Commissioner Voytilla questioned whether the walkway would be available to
23 the general public.

24
25 Mr. Ryerson clarified that the intent for the town center is to provide access to
26 walk from one development to the next. On question, he advised Commissioner
27 Voytilla that staff feels comfortable with this walkway being located on private
28 property and being privately maintained.

29
30 Commissioner Voytilla referred to the Conditions of Approval on page 36,
31 specifically Condition of Approval No. 1, observing that such a permit generally
32 includes a two-year limitation. He pointed out that Condition No. 1 specifies that
33 this will run with the land and continue to be valid until a change of ownership.

34
35 On question, Mr. Ryerson informed Commissioner Voytilla that the City does
36 have a standard form for non-remonstrance that has been pre-approved.

37
38 Commissioner Barnard questioned the rationale for not requiring a pathway
39 connecting Fountaincourt to Reflections at Summer Creek.

40
41 Mr. Ryerson advised Commissioner Barnard that since Summer Creek did not
42 have an extension this was not pertinent.

43
44 Commissioner Barnard questioned why the connection to only one, rather than all
45 of the alleyways.

46

1 Mr. Ryerson informed Commissioner Barnard that the intent for the walkway was
2 simply for site access.

3
4 Chairman Maks clarified that Commissioner Barnard is questioning why more
5 pathways are not planned.

6
7 Commissioner Barnard suggested one main pathway along the back, creating a
8 connection all the way through.

9
10 Mr. Ryerson stated that although pedestrian accesses all the way through could be
11 considered, there might be issues with the proposed grading and sunken
12 alleyways.

13
14 Commissioner Barnard emphasized that he views this as a potential cut-through
15 situation.

16
17 Mr. Ryerson observed that with the Murray extension to Walnut, Tigard traffic
18 goes straight up Murray Boulevard from that point, creating access straight to
19 Scholls Ferry, it is difficult for him to understand who would actually use this as a
20 cut-through.

21
22 Chairman Maks observed that a major problem is created with the assumption that
23 the arterials work and stressed that arterials that don't function properly are the
24 cause of cut-through traffic.

25
26 On question, Mr. Morrison informed Commissioner Barnard that the
27 neighborhood to the east across Barrows Road is relatively developed and that the
28 number of lots that would feed into Springbrook Lane is fairly limited and fairly
29 circuitous out to Barrows Road.

30
31 Commissioner Heckman referred to page 11 of the Staff Report, expressing his
32 concern with the detention pond in Tax Lot 100 and the possibility that the owner
33 of this tax lot may decide the applicant can no longer utilize this right-of-way.

34
35 Mr. Ryerson observed that this issue has been discussed from the initiation of the
36 application process, adding that the applicant will provide further information
37 regarding this situation.

38
39 **APPLICANT:**

40
41 **MIMI DOUKAS**, 10450 SW Nimbus Avenue, Portland, OR 97223, with WRG
42 Design Company, representing Matrix Development, observed that many of the
43 issues have been resolved with staff. She discussed characteristics of the
44 development and what the applicant is attempting to achieve at this site which is
45 located within Town Center Overlay District with Medium Density Residential
46 zoning designation. She observed that this concept is designed to create a

1 pedestrian-oriented urban environment, adding that Fountaincourt achieves this
2 goal. Matrix Development created a signature project for this site with an
3 attached residential community that balanced density and livability. They have
4 designed a series of residential clusters surrounding a central courtyard with rear
5 loaded units connected to garages that are accessed from the alleys. A public
6 street bisects the site from Barrows Road to the future extension of Murray
7 Boulevard, with alleyways extending both north and south. She described the
8 architectural style and theme of the proposal, specifically the garages that are
9 recessed into the site, which helps to downplay the impact of the automobile and
10 increase the pedestrian environment. Each building cluster has been designed
11 with a specific architectural theme, which has been continued to the courtyard
12 designs, each of which includes a namesake fountains. She stated that the
13 applicant has worked with staff to resolve any concerns and agrees with the
14 Conditions of Approval that have been imposed. She emphasized that this is not a
15 new project, adding that it has actually been in the works for some time.
16 Connectivity is a priority and the applicant understands concerns regarding cut-
17 throughs and is willing to work on this issue. She referred to Commissioner
18 Barnard's question regarding additional pathways, pointing out that the applicant
19 had included ten-foot wide sidewalks on both sides of Springbrook Lane, which is
20 actually a pedestrian connection. The alleyways are primarily designed for
21 vehicles, not pedestrians, and it would be a contradiction of the purpose to
22 encourage pedestrian use of these alleyways. She presented the stormwater
23 analysis and offered to respond to any questions or comments. She observed that
24 Project Manager Randy Dyer; Ryan Selby, representing Matrix Development, and
25 Dick Bruskrud, representing Mithun Architects are also available for questions or
26 comments.

27
28 Commissioner Voytilla requested clarification of the connectivity to Building
29 "C".

30
31 Ms. Doukas stated that she is not entirely sure where existing path is in the
32 Scholls Creek Condominiums.

33
34 Commissioner Voytilla advised Ms. Doukas that the exhibit indicates that the path
35 is essentially west along the property line.

36
37 Ms. Doukas expressed her opinion that based upon the grades and function of the
38 alleys, the best location would be the alleyway between Buildings "C" and "D".

39
40 Commissioner Voytilla observed that the pathway would have to be located west
41 along the property line and connect into the alleyway.

42
43 Ms. Doukas confirmed that this would result in the least grade transition and
44 provide the best accessibility.

45
46 Commissioner Voytilla questioned the width of the alleyway.

1 Ms. Doukas informed Commissioner Voytilla that the alleyways are 20 feet wide,
2 with no pedestrian walkway.

3
4 Commissioner Voytilla expressed concern that the maintenance and liability of
5 the walkway be the responsibility of the Homeowner's Association.

6
7 Ms. Doukas advised Commissioner Voytilla that all open space and pathways
8 would be maintained by the Homeowner's Association.

9
10 Observing that many Homeowner's Associations have common areas, with the
11 ability to restrict the general public from entering, due to liability issues,
12 Commissioner Voytilla questioned whether they are willing to accept the
13 maintenance and liability in this situation where the public is allowed access.

14
15 Ms. Doukas stated that it would be unrealistic to attempt to limit public use,
16 adding that it could be open to general use by the public.

17
18 Chairman Maks observed that this situation has historically been a major issue on
19 the site of Southridge High School.

20
21 Commissioner Voytilla questioned the location of the guest parking.

22
23 Ms. Doukas observed that the applicant's hands are basically tied on this issue,
24 adding that the maximum parking requirement within the town center overlay
25 means that the only available guest parking will be on street parking.

26
27 Commissioner Voytilla discussed the scenario of a vehicle locating a parking
28 space in the opposite direction, questioning how this would be accomplished
29 without the vehicle making a U-turn.

30
31 Ms. Doukas pointed out that there are alleyways available to pull into, one of
32 which includes a full loop, in addition to a turnaround located adjacent to Barrows
33 Road, adding that a correct turnaround is possible in several areas.

34
35 Chairman Maks questioned the location of the 38-foot high structures.

36
37 Ms. Doukas stated that only the structures at the north end are 38-feet high.

38
39 **RICHARD BRUSKRUD**, 1201 Alaskan Way, Seattle, WA 98101, representing
40 Mithun Architects, indicated that the height limit is exceeded on essentially five
41 buildings on north end of property, adding that as the hillside falls away on the
42 south side, the buildings are within the 35 foot height limit.

43
44 Chairman Maks requested verification that the steepest grade has the tallest
45 buildings.

46

1 Mr. Bruskrud clarified that while all of the buildings are basically the same
2 height, some of the buildings are higher due to the grade.

3
4 Chairman Maks expressed concern with access and cut-through traffic,
5 emphasizing that complaints are received from the public on a daily basis. He
6 suggested options that may create less of a cut-through route, including curb
7 extensions and speed bumps.

8
9 Ms. Doukas expressed her opinion that speed bumps are a great option, easily
10 installed at minimal expense.

11
12 Chairman Maks pointed out that he does not want to speed bump it to death,
13 which would negatively impact the livability and environment the applicant is
14 attempting to create.

15
16 Ms. Doukas indicated that a speed bump should be installed adjacent to Murray
17 Road.

18
19 Chairman Maks expressed his opinion that a curb extension should be installed
20 off of SW Barrows Road, narrowing the entry, adding that speed bumps only
21 work in sets – one has no effect. He emphasized that while this issue needs to be
22 addressed, he likes what he sees and doesn't want to harm the project.

23
24 Ms. Doukas advised Chairman Maks that curb extensions would be up to
25 Washington County, adding that these should be installed during the construction
26 of Murray Road improvements.

27
28 Chairman Maks stated that establishing conditions should accomplish what is
29 necessary, adding that he does not intend to design the project here.

30
31 Commissioner Bode referred to livability within the development, and Ms.
32 Doukas' statement that this involves a unique development that will maximize
33 livability. She observed that the application is well within the percentage of open
34 spaces for a development of this size and meets density requirements. She
35 pointed out that all of the sidewalks leave the development, adding that she does
36 not see any livability within the development itself. She expressed concern with
37 what sort of activities will be available to the residents, questioning whether they
38 will sit on the benches and look at one another. She suggested that some sort of
39 activity should be available within the development to encourage residents to stay
40 there. Observing that livability could be discussed all night, she referred to the
41 very beautiful arrangement of living units with no activities available without
42 leaving. She questioned whether Ms. Doukas' believes that a child would enjoy
43 sitting on a bench viewing the fountain.

44
45 Ms. Doukas advised Commissioner Bode that she is referring to a market that is
46 not being specifically addressed.

1 Commissioner Bode reminded Ms. Doukas that the report refers to dual income
2 high tech people, adding that these people have a tendency to have children.

3

4 Ms. Doukas informed Commissioner Bode that these residents might have very
5 small children or infants, adding that this is not the type of place one would have
6 a ten-year-old or a six-year-old. She stated that the market caters to dual income
7 individuals and couples prior to having children or for a period of time after
8 having children. She described the development as an outdoor space allowing
9 residents to enjoy the environment without any specific activities or playgrounds.

10

11 Commissioner Bode observed that Ms. Doukas has described a development
12 similar to already existing condominiums, pointing out that the Planning
13 Commission is attempting to fulfill the requirements of the Comprehensive Plan.
14 She stated that married people have a tendency to have children, expressing her
15 opinion that this is not a unique living place for families. She emphasized her
16 concern with the fact that the proposal does not even include one swing.

17

18 Ms. Doukas stated that she could only speak from her own personal situation,
19 rather than professionally, informing Commissioner Bode that this development is
20 marketed towards her age group of dual income couples without children. She
21 pointed out that this would allow her seven to ten years to locate a single-family
22 home with a swing set from K-Mart. She described the condominium as a starter
23 home, a step above an apartment, adding that swing sets are not appropriate.

24

25 Commissioner Bode agreed that a swing set would not look too sharp next to a
26 fountain and questioned whether Ms. Doukas lives in Seattle.

27

28 Ms. Doukas informed Commissioner Bode that she does not live in Seattle.

29

30 Chairman Maks reminded Commissioner Bode that this is a not applicable
31 criterion.

32

33 Commissioner Bode pointed out that Ms. Doukas is assuming that everyone is
34 within a certain age group and a certain economic group, adding that not everyone
35 is dual income without kids.

36

37 Ms. Doukas advised Commissioner Bode that this particular group consists of a
38 very large market sector that is looking for housing at this time. She explained
39 that individuals who fit within certain demographics have a tendency to buy
40 certain housing types within certain areas, adding that the full spectrum of society
41 will not be interested in this particular development.

42

43 Commissioner Bode advised Ms. Doukas that she is on a roll, adding that she is
44 disappointed that this particular development only addresses a particular little
45 niche. She questioned whether these high-techers are sedentary and will be
46 satisfied to sit on a bench, look at a fountain and leave.

1 Ms. Doukas pointed out that some residents are only interested in visual amenities
2 and do not want the responsibility and maintenance of a yard.

3
4 Commissioner Bode suggested a common activity, such as a pool or a tennis
5 court, adding that residents may relax there and not drive elsewhere for recreation.

6
7 Observing that Commissioner Heckman is getting tired, Chairman Maks advised
8 Commissioner Bode that she had gotten her point across.

9
10 Commissioner Bode stated that the Planning Commission has a responsibility to
11 consider all people in the City of Beaverton.

12
13 Commissioner Heckman mentioned that children and the elderly don't always
14 socialize with one another, and commented that he would like to know in which
15 town Ms. Doukas intends to find a starter house with a large back yard.

16
17 Observing that this is a controversial issue, Ms. Doukas advised Commissioner
18 Heckman that she is waiting for the Urban Growth Boundary expansions.

19
20 Commissioner Heckman referred to the large cedars, requesting clarification of
21 whether these are actually six feet tall.

22
23 Ms. Doukas observed that the six feet cedars are new plant materials.

24
25 Commissioner Heckman observed that large cedars are twelve to fifteen feet tall.

26
27 Ms. Doukas pointed out that staff had used the word large to describe these trees,
28 adding that their proposal meets the code criteria.

29
30 Commissioner Heckman referred to page 8 of Staff Report, specifically the 38-
31 foot structure, rather than a 35-foot structure, requesting clarification of how this
32 will help to accommodate the density requirements.

33
34 Ms. Doukas observed that this relates to the interior design of the units, adding
35 that Mr. Bruskrud will address this issue.

36
37 Mr. Bruskrud requested clarification of Commissioner Heckman's question.

38
39 Commissioner Heckman referred to the Staff Report, noting that it indicates that
40 the 38-foot high building structure will allow for architectural details to
41 accommodate the minimum and maximum density requirements of the zone.

42
43 Mr. Bruskrud suggested that while this increase doesn't actually allow for the
44 accommodation of a higher density, improved architectural features and
45 characteristics does allow this density to provide a more pleasing appearance.

46

1 On question, Ms. Doukas advised Commissioner Heckman that Washington
2 County is in general agreement regarding Tax Lot 100 and will work with the
3 applicant to achieve the necessary easement. Observing that it is a hypothetical
4 question at this point, she further advised him that without this easement, other
5 options would be reviewed.

6

7 On question, Ms. Doukas informed Commissioner Barnard that one side of
8 Springbrook Lane would be posted to prohibit parking, adding that the developer
9 would review and determine which side this would involve.

10

11 Commissioner Voytilla mentioned alternatives to access at Murray Boulevard.

12

13 Ms. Doukas discussed the S curve alignment to Murray Boulevard, adding that
14 the applicant is comfortable with this solution.

15

16 Commissioner Heckman referred to the CC&Rs, pointing out what he considers a
17 glaring error. He noted that 7.11 references satellite dishes not exceeding 21
18 inches in diameter, observing that Federal guidelines specify only one meter.

19

20 Ms. Doukas stated that this would be corrected.

21

22 Chairman Maks commended Commissioner Heckman's thoroughness and
23 dedication.

24

25 **PUBLIC TESTIMONY:**

26

27 On question, no member of the public appeared to testify at this time.

28

29 Mr. Morrison mentioned that the speed humps should be spaced approximately
30 300 feet apart, adding that this would result in a trade-off, reducing the available
31 on-street parking.

32

33 Chairman Maks requested clarification that it is within the scope of the
34 Conditional Use Permit and Planned Unit Development to deviate from the
35 parking standards.

36

37 Assistant City Attorney Naemura advised Chairman Maks that counsel is
38 reviewing this situation and that such a deviation may be questionable.

39

40 Commissioner Barnard questioned how many off-site parking spots have been
41 configured for visitors.

42

43 Ms. Doukas informed Commissioner Barnard that she is not certain.

44

45 Commissioner Barnard observed that it appears that only one visitor parking
46 space is available for every four units.

1 Chairman Maks pointed out that the applicant has the maximum number of
2 parking spaces allowed.

3
4 Commissioner Voytilla referred to trash collection, specifically where the cans
5 will be located and what type of access is available for collection.

6
7 Ms. Doukas advised Commissioner Voytilla that she does not have this
8 information.

9
10 Commissioner Voytilla expressed concern with circulation issues.

11
12 Chairman Maks observed that for collection purposes, much smaller vehicles
13 have been designed specifically to provide services for these smaller
14 developments.

15
16 Ms. Doukas expressed her opinion that the cans would all have to be wheeled out
17 to Springbrook Lane.

18
19 Commissioner Voytilla pointed out that if the trash truck arrives and sits there for
20 a while, there would be congestion within the development.

21
22 Chairman Maks commented that this appears to be a good solution to traffic
23 calming.

24
25 The public portion of the Public Hearing was closed.

26
27 Observing that he likes this application, Chairman Maks stated that while he
28 appreciates Commissioner Bode's comments, he does not agree. He expressed
29 his opinion that this type of units does not produce kids, adding that this market
30 niche caters to the first time homebuyer who is attempting to acquire some equity.
31 He expressed approval of what he considers a good market study, adding that he
32 appreciates the unique architecture represented throughout the development.
33 Observing that he can only support the application if the cut-through traffic issue
34 is properly addressed, he suggested some options, adding that this can be easily
35 resolved at this early stage of development. He mentioned that he is able to cite
36 criteria on which he could deny the application, adding that he would like the
37 applicant to have the opportunity to resolve these issues and meet the criteria.

38
39 Commissioner Heckman expressed his agreement that the market study is very
40 well prepared, adding that he agrees with Commissioner Bode's concerns. He
41 pointed out that eventually, these high-tech people would make more money and
42 want better accommodations, at which point Fountaincourt could end up with
43 more children than anticipated. He stated that cut through traffic is a big issue,
44 adding that this issue is the responsibility of experts, rather than the Planning
45 Commission. He pointed out that with the exception of these issues, he supports
46 this attractive project, adding that some individuals do enjoy sitting around

1 watching the water fall. He suggested that staff consider the cut-through issue for
2 review by the Board of Design Review.

3
4 Commissioner Voytilla expressed his opinion that the applicant had done an
5 excellent job on the project, adding that people respond well to fountains and
6 water and that the units will maintain extremely high value. He pointed out that
7 the water creates a masking, calming noise, providing something beyond just the
8 visual aspect of this unique feature. He expressed concern with the pedestrian
9 path and access onto Murray Boulevard.

10
11 Commissioner Heckman observed that the meeting should adjourn within the next
12 20 minutes.

13
14 Chairman Maks reminded everyone that the Planning Commission has a rule
15 regarding adjournment by 11:00 p.m.

16
17 Commissioner Bode stated that without children in the development, these high-
18 tech adults are on their own and she is unconcerned with vehicles traveling
19 through the site. She expressed her disagreement with Commissioner Voytilla's
20 statement that water has a calming effect, observing that she hears her neighbor's
21 fountain continuously. Observing that while there are elements of the
22 development that she does not like, she stated that she supports this application as
23 meeting the applicable criteria.

24
25 Commissioner Barnard observed that being within the age group targeted by this
26 market, he agrees with the applicant regarding the livability of this development.
27 He stated that although he fully supports the application, he remains concerned
28 with the traffic and garbage issues, which should be resolved.

29
30 10:43 p.m. – 10:54 p.m. – break.

31
32 Commissioner Heckman **MOVED** and Commissioner Barnard **SECONDED** a
33 motion that the 11:00 p.m. rule be waived and the meeting continue until no later
34 than 11:08 p.m.

35
36 Motion **CARRIED**, unanimously.

37
38 Chairman Maks observed that there appears to be support of addressing the issue
39 regarding cut-through traffic. He pointed out that by allowing staff to work this
40 out with the applicant at some future point, the Planning Commission would be
41 conditioning a land use action based upon a future approval, which can not be
42 done.

43
44 Mr. Naemura commented that the applicant has agreed to waive the 120-day rule
45 if a continuance is requested.
46

1 Chairman Maks stated that the continuance should be set for a certain date, adding
2 that only the issues of the pedestrian pathway and cut-through traffic can be
3 addressed at this hearing.

4
5 On question, Ms. Doukas advised Chairman Maks that the applicant would be
6 prepared in one week.

7
8 Mr. Morrison informed Chairman Maks that staff is capable of reviewing any
9 additional plans submitted by the applicant prior to the meeting on July 19, 2000.

10
11 Commissioner Heckman observed that he would be more comfortable with setting
12 the continuance for two weeks, pointing out that glitches often occur.

13
14 Mr. Naemura commented that the applicant could request a continuance for one
15 week.

16
17 Chairman Maks stated that this is why the applicant generally requests the
18 continuance.

19
20 Commissioner Voytilla expressed his opinion that one week is satisfactory,
21 adding that the applicant can request another continuance, if necessary.

22
23 Commissioners Barnard and Bode expressed their agreement with continuing the
24 Public Hearing for one week.

25
26 Commissioner Heckman **MOVED** and Commissioner Barnard *SECONDED* a
27 motion to continue CUP 2000-0008 – Fountaincourt Conditional Use
28 Permit/Planned Unit Development, to a date certain of July 19, 2000.

29
30 Motion **CARRIED**, unanimously.

31
32 **APPROVAL OF MINUTES:**

33
34 At the suggestion of Commissioner Heckman, approval of the minutes of the
35 meetings of May 25, 2000, May 31, 2000, June 1, 2000, June 7, 2000, June 21,
36 2000 and June 28, 2000, were continued to July 19, 2000.

37
38 **MISCELLANEOUS BUSINESS:**

39
40 The meeting adjourned at 11:00 p.m.

CALENDAR:

1				
2	July	26	Public Hearing	RZ 99-00020 CORNELL ROAD REZONE OF TAX LOT 100
3			Public Hearing	TPP 99-00008 WATERHOUSE 5 SUBDIVISION MODIFICATIONS
4			Public Hearing	CPA 2000-0003 COMPREHENSIVE PLAN TRANSPORTATION
5				ELEMENT MODIFICATION
6			Public Hearing	APP 2000-0009 APPEAL OF HOP 2000-0002 CASCADE
7				ENFORCEMENT AGENCY
8	August	2	Public Hearing	CPA 99-00025 COMPREHENSIVE PLAN LAND USE ELEMENT
9			Public Hearing	CPA 2000-0004
10				RZ 2000-0007 HALL & METZ PROPERTY
11			Public Hearing	CUP 2000-0018 CITY LIBRARY CUP CONDITIONS OF APPROVAL
12				MODIFICATIONS
13		9	Public Hearing	CPA 98-00011
14				TA 99-00010 ANNEXATION POLICY AMENDMENT
15			Public Hearing	CPA 99-00017
16				CPA 99-00018 TREE INVENTORY UPDATE
17			Public Hearing	CPA 99-00013
18				TA 99-00004 WILDLIFE HABITAT & TREE PRESERVATION
19			Public Hearing	RZ 2000-0006 HANDON ROAD & 135 TH AVENUE REZONE
20		16	Public Hearing	CPA 99-00015
21				TA 99-00006 TITLE 3 WATER QUALITY/FLOOD MGMT.
22			Public Hearing	CPA 99-00014
23				TA 99-00005 GOAL 5 RIPARIAN/WETLAND PROTECTION
24		23	Public Hearing	TA 2000-0004 TITLE 4 IMPLEMENTATION
25		1		TA 99-00006 FLOOD MAP REVISION